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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY  
OAL DOCKET NO. BDSN 7051-98N and  
OAL DOCKET NO. CMA 1760-99N

IN THE MATTER OF:	:	Administrative Action
	:	
ANTHONY J. MANCINO, D.M.D.	:	CONSENT ORDER
	:	AND
LICENSED TO PRACTICE DENTISTRY	:	STIPULATION OF SETTLEMENT
IN THE STATE OF NEW JERSEY	:	
	:	
	:	

This matter was opened to the New Jersey State Board of Dentistry (hereinafter referred to as "Board") upon the receipt of correspondence from certain former patients of Anthony J. Mancino, D.M.D., a dentist licensed by the Board, concerning the dental services rendered to them. On or about May 14, 1998, the Attorney General filed an Administrative Complaint. Dr. Mancino filed an Answer denying each and every allegation contained in the Administrative Complaint and alleging bias and prejudgment against him on the part of the Board. The Board denies that it is either biased as to Dr. Mancino or that it has prejudged this matter. The matter was assigned for hearing before the Office of Administrative

Law by Hon. Arnold Samuels, ALJ, and hearings are scheduled to commence on May 3, 1999.

The parties being mutually desirous of reaching a full and final settlement of this matter without resort to further formal proceedings, administrative or judicial, and without any specific findings of fact or admissions of wrongdoing and for good cause shown;

IT IS ON THIS 13 DAY OF MAY, 1999,

HEREBY ORDERED AND AGREED that:

1. Anthony J. Mancino is hereby reprimanded for inadequate standard of care of patients, inadequate patient communications and financial communications with patients and inadequate record keeping.

2. Dr. Mancino acknowledges the reprimand of the Board and agrees to adopt and shall comply from the date of this Consent Order and Stipulation of Settlement with the following dental office practices:

A. Any veneers provided by Dr. Mancino shall carry the the following guarantee, which shall be provided to Dr. Mancino's patients in writing: "Dr. Mancino will, at his option, repair or replace any veneer that fractures, fails or is lost within three (3) years of its insertion, and will refund the full cost of any replaced veneer which fractures, fails or is lost within three (3) years of its insertion, except that this guarantee does not apply to veneers which fracture, fail or are lost due to a severe traumatic impact suffered by the patient;"

B. In connection with dental consultations provided by Dr. Mancino for patients seeking cosmetic dental services, including crown and bridge work and/or veneers, prior to the commencement of any such services, Dr. Mancino shall provide each patient with a comprehensive examination and a treatment plan which includes as may be warranted the patient's general dental health needs, including periodontal condition and needs, preventive dental health care needs and restorative dentistry condition and needs; and

C. In connection with any treatment plan involving prosthodontic restorations having an aggregated proposed or estimated fee or charge to a patient in excess of \$1,500.00, Dr. Mancino shall provide each patient with a written treatment plan to be signed and dated by both Dr. Mancino and the patient, identifying each item or unit proposed and the proposed fee for each. Dr. Mancino shall not undertake any prosthodontic treatment or make any charges in connection with any such treatment plan before the third day following the patient's signing of the written treatment plan, provided that this required waiting period shall not apply to revisions of the initial written treatment plan signed by the patient where such revisions do not result in any charges in excess of the fees outlined in the initial treatment plan. Any revisions to the treatment plan shall be signed by the patient and Dr. Mancino prior to the beginning of such treatment.

3. In the event that it is determined following a hearing on short notice of at least ten (10) days that Dr. Mancino

has violated any term of this Consent Order and Stipulation of Settlement, then and in that event, Dr. Mancino shall be subject to such additional formal disciplinary action as deemed appropriate and necessary under the circumstances by the Board. In determining any such appropriate and necessary disciplinary action, the Board's determination shall be consistent with prior Board disciplinary actions against Board licensees who have violated orders.

4. Dr. Mancino shall pay restitution to M.M. in the amount of \$3,056.25; to M.S. in the amount of \$7,380.00; to K.T. in the amount of \$3,122.50; to K.D.M. in the amount of \$4,200; and to M.T. in the amount of \$11,289.00. The restitution shall be paid to the patients by Dr. Mancino by submitting five (5) certified checks or money orders made payable to the individual patients to the State Board of Dentistry at 124 Halsey Street, 6th Floor, Newark, New Jersey 07102, simultaneously with submitting this executed Consent Order to the Board for entry.

5. In addition to the requirement provided by N.J.A.C. 13:30-8.18, Dr. Mancino shall successfully complete the ProBE course or a comparable course approved in advance in writing by the Board prior to Dr. Mancino's attendance. This course must be completed within one (1) year of the entry of this Order. Dr. Mancino shall provide the Board with written proof of successful completion of the required course work. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed and a passing grade was achieved which was unconditional and without reservations.

6. Dr. Mancino shall forward to Agnes Clarke, Executive Director of the Board of Dentistry, at the address listed above, the sum of \$681.34, by certified check or money order, within thirty (30) days of the entry of this Order, which represents the costs of the investigation including experts' reports in this matter.

7. Dr. Mancino shall fully comply with the Board's Professional Advertising Regulation, N.J.A.C. 13:30-8.6, including any offers for "free" services, N.J.A.C. 13:30-8.6(g).

8. Dr. Mancino shall pay a civil penalty to the Board in the amount of \$8,500.00. The aforestated amount shall be payable as follows: One Thousand Five Hundred (\$1,500.00) Dollars shall be payable upon the entry of this Consent Order and Stipulation of Settlement with the Board, and thereafter, in amounts of One Thousand (\$1,000.00) Dollars per month beginning on the first day of the month following the entry of the Consent Order with the Board and continuing on the first day of the month thereafter until the full balance has been paid. Each payment shall be made by certified or cashier's check made payable to "State of New Jersey - Treasurer" and be forwarded to the Board office at 124 Halsey Street, 6th Floor, Newark, New Jersey 07102. In the event that Dr. Mancino fails to make any of the aforesaid payments when due, all remaining payments shall become immediately due and owing and payable with interest.

Upon failure of Dr. Mancino to pay the aforesaid penalty, a money judgment in the amount due, plus interest, shall be entered

in favor of the State of New Jersey and the Attorney General shall have execution thereon. Dr. Mancino agrees to reimburse the expenses of the State of New Jersey, including, but not limited to, attorney's fees and costs, attributable to any collection efforts necessitated by such default.

9. This Consent Order and Stipulation of Settlement is a public action of the Board and is therefore subject to inspection and copying as permitted by law. This Consent Order and Stipulation of Settlement will be reported out in the normal course consistent with other Board disciplinary matters. In response to inquiries the Board office shall not characterize or describe this Consent Order and Stipulation of Settlement or any other Consent Order concerning Dr. Mancino on file with the Board or the contents thereof but rather shall indicate that such Consent Orders exist and provide copies thereof upon request.

10. This Consent Order and Stipulation of Settlement represents the full and final settlement of any and all claims, disputes or controversies, including any and all patient complaints received by the Board through February 24, 1999, as well as any Federal or state claims against the Board and each of its individual members (past and present), officers, employees or representatives (including, but not limited to, the Attorney General and his deputies) and the Director of the Division of Consumer Affairs (hereinafter collectively referred to as the "State representatives"), which were raised or which could have

been raised by the parties in any administrative or judicial proceeding.


11. In view of the consent and settlement achieved among the parties, the Administrative Complaint filed herein is dismissed in its entirety, with prejudice. Dr. Mancino shall also immediately dismiss in its entirety with prejudice the lawsuit entitled Mancino v. New Jersey Board of Dentistry et al, Civil Action No. 99-1134 (HHA), filed in Federal District Court, District of New Jersey.

12. This settlement includes and is intended to apply to and for the benefit of Dr. Anthony J. Mancino and the State representatives. The parties agree that this Consent Order and Stipulation of Settlement reflects a compromise and settlement of the matters between them and is not intended for any other purposes. The parties intend that this Consent Order and Stipulation of Settlement shall not be used or introduced in any civil or administrative proceedings, except such proceedings as may be brought by the Board of Dentistry for the enforcement, interpretation or application of this Consent Order and Stipulation of Settlement.

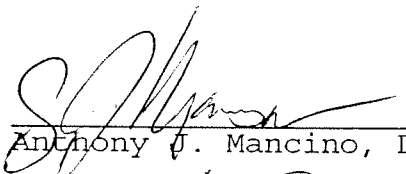
13. The parties agree and acknowledge that the Board and the Division of Consumer Affairs have entered into this Consent Order and Stipulation of Settlement relying upon the representation by Dr. Mancino that full payment of all monies due under this Consent Order and Stipulation of Settlement shall be promptly and completely paid. The parties further agree and acknowledge that the obligations and payments under this Consent Order and Stipulation

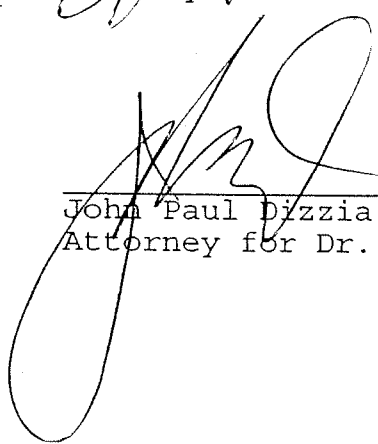
of Settlement are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding.

STATE BOARD OF DENTISTRY


  
Abraham Samansky, President

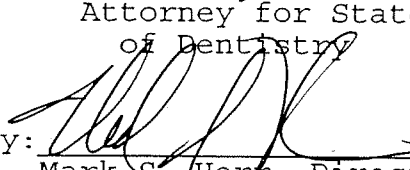
The undersigned have read and understood the within Consent Agreement and Order and agree to be bound by its terms. Consent is hereby given for the entry of this Order.

  
Anthony J. Mancino, D.M.D.

  
John Paul Dizzia, Esq.  
Attorney for Dr. Mancino

PETER VERNIERO  
ATTORNEY GENERAL OF NEW JERSEY

By:   
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Attorney for State Board  
of Dentistry

By:   
Mark S. Herr, Director  
Division of Consumer Affairs